REMARKS

In the Office Action dated May 23, 2005, the United States Patent and Trademark Office (hereinafter "the Office") rejected Claims 1-3 and 5 under 35 U.S.C. § 101 because these claims are allegedly directed to non-statutory subject matter. Claims 1-10, 16-25, 31-45, and 51-55 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the teachings of U.S. Patent Application Publication No. 2002/0032582 (hereinafter "Feeney et al."). Applicants have amended Claim 1 to clarify its subject matter, thereby obviating the rejection under 35 U.S.C. § 101. Claims 2, 3, and 5 are dependent from amended independent Claim 1 and these dependent claims also contain statutory subject matter.

Prior to discussing in detail why applicants believe that all the claims in this application are allowable, a brief description of applicants' invention and brief descriptions of the teachings of the cited and applied references are provided. The following discussions of the disclosed embodiments of applicants' invention and the teachings of the cited and applied references are not provided to define the scope or interpretation of any of the claims of this application. Instead, such discussions are provided to help the Office better appreciate important claim distinctions discussed thereafter.

Background of the Invention

From idea to production, the development of a new drug can take up to ten years and cost about $800 million. But many risks abound in the development process that can cause complete failure. The process usually starts with the idea that an existing chemical substance has therapeutic value or that the structure of an existing drug can be modified for new clinical users. Out of 10,000 chemicals tested in a laboratory, only one may eventually become a drug. Beside the expense necessary to produce them, drugs are heavily regulated by the bureaucracy of government agencies. In the United States, the FDA not only approves new drugs, but also

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regulates how drugs are produced and sold by continually monitoring the development and use of all drugs. This is the backdrop against which a pharmaceutical company markets its precious few developed drugs.

Traditionally, a sales representative of the pharma visits one or more prescribers, leaves behind some drug samples of the drugs, and waits in trust that the prescribers will prescribe these drug samples to the patients. When a sales representative visits a prescriber, the sales representative is performing two actions. First, the sales representative educates the prescriber about the efficacy of the drug samples for various disease states and differentiates them from any competitive drugs in the marketplace. Second, the sales representative leaves drug samples behind with the prescriber so that he can dispense these drug samples to his patients. There is no data that tracks whether drug samples actually get prescribed to patients of the prescriber. No additional information is possible beyond the point at which drug samples are given to the prescriber. So even though the pharma has spent a great deal of money on drug samples, it has no means of knowing whether the physical samples were actually prescribed to patients or tossed uselessly into a garbage can.

In sum, not only is it expensive and laborious to develop new drugs, but the traditional drug sample distribution process does not allow the pharma to assess the effectiveness of his drug sample fulfillment program, further increasing financial risk to the pharma. Not all prescribers can be reached by the sales representative, hence limiting the distribution of drug samples to patients who may benefit from them. On the other hand, prescribers who do wish to have an opportunity to try drug samples cannot obtain a consistent supply. Thus, there is a need for an architecture for enhancing drug sample fulfillment distribution while avoiding or reducing the foregoing and other problems.

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Summary of the Invention

Applicants' invention is directed to a computer-implementable system for promoting pharmaceutical drugs. The computer-implementable system comprises a set of ground rules for guiding a distribution of drug samples of a drug. The computer-implementable system further comprises a drug sample fulfillment platform for implementing the set of ground rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative. Applicants' invention also includes a system for distributing pharmaceutical drugs which comprises a drug sample fulfillment platform for accessing drug sample services; and a first set of Web pages coupled to the drug sample fulfillment platform through which a prescriber can access the drug sample fulfillment platform to order drug samples.

Applicants' invention is further directed to a drug sample fulfillment platform, which comprises a drug sample Web site for mating with a portal that is selected from a group consisting of prescriber-oriented Web portals, an e-detailing service, a Web site regarding a drug brand, and an on-line physician learning site. The drug sample fulfillment platform further comprises a request database for receiving requests of a prescriber through the drug sample Web site for drug samples. The request database responds to the prescriber by allowing the prescriber to print coupons or to print an order form for physical samples or pass out pre-printed vouchers.

Applicants' invention yet further includes a networked system for ordering pharmaceutical sample drugs. The networked system includes a drug sample fulfillment platform that comprises a drug sample Web site for mating with a Web portal when a prescriber selects a hyperlink. The drug sample Web site presents the Web page including selectable options for the prescriber to order drug samples. Applicants' invention as yet further includes a method for accessing a drug sample fulfillment platform. The method comprises activating a link to access the drug sample fulfillment platform from a Web portal. The method further

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comprises creating a transaction that includes a prescriber identifier and a partner identifier. The method also comprises mating a drug sample Web site to the Web portal, allowing a prescriber to navigate and order drug samples.

Summary of Feeney et al.

Feeney et al. explains that, in light of the substantial amount spent by pharmaceutical companies in order to maintain sample programs, "it is of utmost importance for these companies to gain access to medical offices for purposes of physician detailing and sample program monitoring." In contrast, various embodiments of applicants' invention need not access medical offices but instead prescribers access a common drug sample fulfillment platform through a Web portal. It is desired by Feeney et al. to obtain accurate knowledge of medical office sample inventory levels to enhance the efficiency of pharmaceutical representatives by allowing them to make informed decisions regarding the appropriate timing of medical office visits and the necessary quantities of appropriate sample medications required for restocking. See paragraph 0015.

In order to gain access to medical offices, Feeney et al. designs a system that has three major components according to paragraphs 0191, 0178, and 0181: a front office server, a central server, and one or more dispensers. Note that various embodiments of applicants' invention need not invade the medical offices of prescribers by placing a front office server there to monitor the activities of prescribers. Feeney et al. specifies that the front office server and the dispensers are placed in the medical office of a physician and the central server can reside elsewhere. The reason Feeney et al. wants the front office server to be placed into a medical office is to gain access to the medical office for monitoring purposes. For example, paragraph 0191 describes that the front office server can have a database that includes the patient information, marketing

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content, drug interaction information. The front office server also include a radio frequency transceiver for controlling medication dispensers. See paragraph 0192.

The central server of Feeney et al. can be configured to receive and process the determination of whether the medication is appropriate for a patient. The central server can receive tracked sample medication user information. The system of Feeney et al. includes a Web site that is connected to the central server. The Web site is configured to provide controlled user access to system information. The system information can include a financial report, an inventory report, a user's report, a regulatory report, a sales report, an order management report, a business report, and the like. A typical user includes pharmaceutical representatives can access specific sampling reports by accessing the appropriate Web site through any Web browser.

The dispensers of Feeney et al. are controlled by the front office server and the central server to execute medication dispensing. A large number of physician offices, each having its own front office server, communicate with a central server. Dispensing of medication can either occur automatically when a dispense command or control signal is received by the appropriate dispenser unit or manually when an authorized system user accesses the dispenser unit to physically remove the appropriate medication. The system of Feeney et al. is based on its ability to control the dispensers. If Feeney et al. cannot control the dispensers, nothing will work in the system of Feeney et al.

The Claims Distinguished

The Office has failed to show, and applicants are unable to find, where any of the cited and applied references, either alone or in combination, disclose the subject matter of the claimed invention. For example, none of the cited and applied references teaches "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative," as recited in Claim 1,

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among many other claim limitations. The Office has indicated that this limitation of Claim 1 is taught by Feeney et al. at Paragraphs 0118, 0216, 0239, 0241, 0257-0260, and 0282-0284. This cannot be correct. Paragraph 0118 discloses the following:

> As used herein, "eVoucher" means an electronic coupon generated by the system that will allow the patient to have their sample filled at another location.

There is nothing in Paragraph 0118 that describes the recited limitation, which requires "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." There is no brand rules implemented by a drug sample fulfillment platform. There is nothing in paragraph 0118 that allows the prescriber to order drug samples. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0216 discloses the following:

> The system disclosed herein achieves integration of data management into the drug dispensing process by providing a communication network that allows each of its subsystems to send and receive information. As discussed herein, the admission subsystem can be responsible for collecting patient information and distributing it or making it available to other appropriate subsystems. For example, patient information obtained from the admission subsystem is used by the sample management subsystem, which tracks a physician's dispensing of sample medications by patient and provides compiled drug usage and drug inventory reports to pharmaceutical representatives as well as regulatory reports to the physician. In another example, patient information from the admission subsystem can be used by the marketing subsystem to allow entities, such as, pharmaceutical companies, disease control centers, and cosmeceutical manufacturers, to provide promotional and educational information to both patients and physicians.

It is a mystery what Paragraph 0216 has to do with the recited limitation of Claim 1. Paragraph 0216 discloses that the physician's dispensing of sample medications is tracked but this has nothing to do with "a drug sample fulfillment platform for implementing the set of brand rules to

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allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." There is nothing in paragraph 0216 that allows a prescriber to obtain drug samples and there is no discussion of brand rules as required by the recited limitation. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0239 discloses the following:

> Similar dispensing and post-dispensing procedures can be incorporated in the sample management, OTC-cosmeceutical, and patient care item subsystems. Although specific examples related to dispensing and post-dispensing procedures for the prescription subsystem have been shown disclosed herein, it is apparent to one skilled in the art that such dispensing and post-dispensing can be implemented in a variety of forms on any appropriate system or subsystem.

Applicants are puzzled why Paragraph 0239 was cited for teaching the recited limitation "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." Paragraph 0239 has to do with dispensing and post-dispensing procedures. No discussion pertaining to brand rules can be found and the drug sample fulfillment platform that allows the prescriber to obtain drug samples is not disclosed by Paragraph 0239. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0241 discloses the following:

> FIG. 11 is a task flow diagram of the restock process. Prior to shipping a product or medication, the subsystem provides to the medical office from the ERP system an advance shipment notice (ASN) 1102. Prior to restocking the product, the system prompts the user to verify that the information on the sales order slip on the shipping box matches the advance shipment notice 1106. Next the system scans the bar code on the packaging bag for the product 1110. The system opens the dispenser door and releases the smart bin 1112. The system requires verification of the product count 1114 and the restock amount 1116. The user refills the smart bin and returns it to the dispenser. The dispenser door is locked 1118 and if there are additional products to be restocked 1119, the

> procedure is repeated starting at block 1110 for the next product or medication. If no additional medications are to be restocked 1119, the system notifies the ERP of the receipt of the product 1120. If necessary the process depicted can vary depending on the circumstances of the particular item to be restocked. For example, the sample management subsystem may vary the process where samples may be shipped or delivered directly by a pharmaceutical company representative, rather than through the ERP system. In such a case, the ERP system may not send advance shipping notice, etc. Other possible variations are apparent to one of ordinary skill in the art.

There is no teaching at Paragraph 0241 whatsoever of the recited limitation "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." Apparently, Paragraph 0241 is describing a restocking process which requires that the system opens and locks a dispenser containing the restock product. There is no need for the claimed invention to use a dispenser. The reason Feeney et al. has to have total control over the dispenser is to track access to drugs stored in the dispenser in order to know what has been taken out of the dispenser and who took it. The claimed invention does not work in this way. There is no set of brand rules described by Feeney et al. and there is no drug sample fulfillment platform that implements the set of brand rules. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0257 discloses the following:

> As discussed reordering can be initiated in response to inventory levels reaching a par level. A par level can be an arbitrary inventory level that is set by the user or by the subsystem. For example, the subsystem can dynamically set par levels based upon inventory usage of the user. Also, the dynamic par level can be determined based upon factors such as the daily product dispense amount, the time period from sending a reorder request until the filled order is received by the user, and the margin of overstock or inventory capacity of the user, for example. One skilled in the art will recognize that various other factors can be used as well.

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There is nothing in Paragraph 0257 that discloses the recited limitation "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." Applicants cannot find the recited set of brand rules implemented by the drug sample fulfillment platform. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0258 discloses the following:

> FIG. 15 is a task flow diagram of the process for selecting new medications to add to inventory. The subsystem displays a list of medications that are available for addition to inventory 1506. The list can be based upon the central system formulary list of medications, for example. The subsystem can also perform a quick search 1508 of the database based upon medication name and/or manufacturer, for example. If the medication is not in the central system formulary list 1510, then the subsystem can process a request by the user for medication addition to the formulary 1512. If the medication is on formulary 1510, the subsystem then prompts for selection of the medication 1514 and for selection of the requesting physician 1516.

There is nothing in Paragraph 0258 that discloses the recited limitation "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." No set of brand rules is disclosed and no drug sample fulfillment platform for implementing the set of brand rules is discussed. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0259 discloses the following:

> The subsystem asks the user if an in stock medication is to be replaced 1518 by the new medication. The answer to this query may trigger the central server to send return authorization and other relevant materials to the physician office. If there is a current medication to replace, the subsystem displays a "smart list" 1520. The "smart list" can include a display of information for the user, such as the average number of prescriptions written per day, chute and bin sizes, the maximum quantity

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> for the new medication, the h/w limitation, and the like. The "smart list" can allow the user to sort the list by medication, class, size of bin or chute, and the like. After the user inputs a selected medication for replacement 1522, the subsystem then determines if the system has a bin or chute of a correct or appropriate size for the new medication 1524. If none is available the subsystem notifies the user of the need to add an addition storage unit bin or chute 1525, which is designated generically as a "SMARK." The smart list allows the user to sort the list be medication, class, size of the bin or chute, and the like. If the system has an appropriate bin or chute, the subsystem then determines if there is available space in the system for the medication 1526. At 1518, if no current medication is to be replaced, then the subsystem determines 1526 if there is dispenser capacity to accommodate the new medication.

There is nothing in Paragraph 0259 that discloses the claimed invention. Paragraph 0259 discusses a "smart list" but this has nothing to do with the recited limitation "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." The Office has failed to show where the brand rules implemented by the drug sample fulfillment platform are taught in the system of Paragraph 0259. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0260 discloses the following:

> At 1526 if the system lacks space, the user is notified of the need to add an additional module 1528. If space is available, the system prompts input of the medication quantity 1530 and the preferred delivery date 1532. If additional medications are to be added 1534 the process repeats beginning at step 1516. The process is complete if no additional medications are to be added.

There is nothing in Paragraph 0260 that discloses the recited limitation "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." Paragraph 0260 discusses that if space in the dispenser is available, additional medication quantity and the delivery date can be specified. But it is baffling what this has to do with the claimed invention.

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Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0282 discloses the following:

> One service that the present subsystem can provide is eCoupon promotions. Such coupons can be pushed to the physician office through Internet technology and subsequently delivered to patients. Some eCoupons are global, and thus, they can be pushed to every patient. The majority of eCoupons, however, are targeted to specific patient groups, medications, disease states, or physicians. Based on data gathered from numerous physician offices which participate as part of the system disclosed herein, eCoupon sponsors can select the most appropriate target audiences for their promotions.

There is nothing in Paragraph 0282 that discloses the recited limitation "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." There is no set of brand rules implementable by a drug sample fulfillment platform. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0283 discloses that:

> FIG. 20 illustrates one possible marketing distribution process. The central server 2002 can include the master marketing material content for all users or customers. The central server 2002 routes the marketing information to the front office servers of the users or customers 2004. The users and customers can include medical office system users and the like. The central server routes general or global marketing information as well as targeted or client practice specific marketing to the front office servers 2004 of the users. The front office servers can also include a patient/clinician decision engine in order to select and route appropriate marketing content to users. The decision engine can select and route marketing content based upon a prescribed medication, a disease state, physician practice, patient groups, and the like, for example. The decision engine process is discussed in more detail below in relation to FIG. 21 and FIG. 22.

There is nothing in Paragraph 0283 that discloses the claimed invention. The recited limitation requires "a drug sample fulfillment platform for implementing the set of brand rules to allow a

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prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." Paragraph 0283 uses a patient/clinician decision engine which is running on the front office server. This has nothing to do with the recited limitation. No set of brand rules is disclosed and no drug sample fulfillment platform implementing the set of brand rules is provided. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0284 discloses the following:

> eCoupons can be pushed to the care provider at the time of dispensing the patient's product. For example, the marketing subsystem can provide for immediate eCoupon dispensing by maintaining a continuously updated database of specific eCoupon promotions on the central server. At the medical office, prior to each approval to dispense a medication, the front office server can communicate with the central server to determine appropriate eCoupons for retrieval. Upon retrieval, the front office server can either process the eCoupon electronically or provide a hard copy of the eCoupon at the time the medication is dispensed.

There is nothing in Paragraph 0284 that discloses the claimed invention. The recited limitation provides "a drug sample fulfillment platform for implementing the set of brand rules to allow a prescriber to obtain drug samples to dispense to a patient without the use of a sales representative." Paragraph 0284 specifies that "prior to each approval to dispense a medication, the front office server can communicate with the central server to determine appropriate eCoupons for retrieval." There is no such requirement in applicants' claimed invention. The prescriber can access the drug sample fulfillment platform that implements the set of brand rules to obtain drug samples without waiting just prior to each approval to dispense a medication. For example, pre-printed drug vouchers are available to the prescriber in applicants' claimed invention without the need for a front office server to communicate to the central server to determine an eCoupons for retrieval. Thus, no *prima facie* case of anticipation has been established by the Office.

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As a second example, none of the cited and applied references teaches "a first set of Web pages coupled to the drug sample fulfillment platform through which a prescriber can access the drug sample fulfillment platform to order drug samples," as recited in Claim 6, among other limitations. The Office has indicated that Paragraphs 0258 and 0273 disclose the recited limitation, among other limitations. This cannot be correct. Paragraph 0258, which has been provided above, describes a flow diagram for selecting new medications to add to an inventory. There is nothing in Paragraph 0258 that discloses the recited limitation. There is nothing in Paragraph 0258 that discusses the ability of a prescriber to access the drug sample fulfillment platform to order drug samples through a first set of Web pages. Thus, no *prima facie* case of anticipation has been established by the Office. Paragraph 0273 discloses the following:

> The system disclosed herein also can include a sample management subsystem which through automated data collection and limited user input can track the receipt and dispensing of sample medications that are provided to the physician office by pharmaceutical companies. The subsystem can also determine if a sample medication is appropriate and safe for a patient, track sample medication usage, and transmit a dispense signal to the one or more dispenser units directly or indirectly to dispense a sample, for example. For example this can be done by relating patient information and prescription information (if necessary) and by initiating a drug utilization review utilizing such information. The sample management subsystem achieves its functions by moving much of the burden of data input from the user to hardware and software technology. There are key elements of user workflow that the sample management subsystem automates for users, such as, identity of the sample removed, sample quantity removed, sample lot number, patient name, and expiration date. However, some data elements must be entered by the user, such as, the access code (password and fingerprint), International Classification of Disease, version 9 (ICD-9), clinical data elements, and the like.

There is nothing in Paragraph 0273 that has anything to do with a first set of Web pages coupled to the drug sample fulfillment platform through which a prescriber can access the drug sample fulfillment platform to order drug samples. The system of Feeney et al. does use a Web site, but

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only for the purpose of providing a financial report, an inventory report, a usage report, a regulatory report, a sale report, an order management report, and a business report. See Paragraph 0042. No prescriber can order drug samples through the Web site of Feeney et al. Paragraph 0059 indicates that pharmaceutical companies can use a Web browser to connect to the system, but no prescriber can connect to the system to order drug samples through a first set of Web pages. Paragraph 0178 again discusses the Web site of Feeney et al., which allows access to reports, but no prescriber can order drug samples through a first set of Web pages. Thus, no *prima facie* case of anticipation has been established by the Office.

As a third example, none of the cited and applied references teaches "a request database for receiving requests of a prescriber through the drug sample Web site for drug samples, the request database responding to the prescriber by allowing the prescriber to print coupons or to print an order form for physical samples or pads of preprinted vouchers," as recited in Claim 16, among other limitations. The Office has indicated that Paragraphs 0284, 0118, and 0258-0260 disclose the recited limitation. This cannot be correct. Paragraph 0284 has been provided above and it teaches nothing about a request database for receiving requests of a prescriber through the drug sample Web site for drug samples. A hardcopy of the eCoupon can be provided by Feeney et al. but only just "prior to each approval to dispense a medication." The claimed invention does not require this step. The coupons can be printed at any time. Also, Feeney et al. does not provide a drug sample Web site through which a request database can receive requests for drug samples. No Web site is described by paragraph 0284. Thus, no *prima facie* case of anticipation has been established by the Office.

Paragraph 0118 discloses eVoucher as previous discussed. But there is nothing in Paragraph 0118 that discloses the claimed invention. For example, there is nothing in the system of Feeney et al. about pads of pre-printed vouchers, as recited in Claim 16. There is no

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disclosure by Feeney et al. that allows one to obtain pads of preprinted vouchers. Paragraph 0188 is the only description of eVoucher and there is no disclosure whatsoever about pads of pre-printed vouchers. Thus, no *prima facie* case of anticipation has been established by the Office.

Paragraph 0258 discloses a flow diagram of the process for selecting new medications to add to inventory as discussed above. There is nothing in Paragraph 0258 that discloses the claimed invention. There is no request database for receiving requests of a prescriber through the drug sample Web site for drug samples. Additionally, a user of the system of Feeney et al. cannot print coupons or print an order form for physical samples, or pads of preprinted vouchers. Thus, no *prima facie* case of anticipation has been established by the Office.

Paragraph 0259 discloses a smart list as discussed above. There is nothing in this paragraph that discloses "a request database for receiving requests of a prescriber through the drug sample Web site for drug samples, the request database responding to the prescriber by allowing the prescriber to print coupons or to print an order form for physical samples or pads of preprinted vouchers." Thus, no *prima facie* case of anticipation has been established by the Office.

Paragraph 0260 discloses the notification of the need to add space to accommodate medication. It is truly mysterious what this has to do with the recited limitation, which requires "a request database for receiving requests of a prescriber through the drug sample Web site for drug samples, the request database responding to the prescriber by allowing the prescriber to print coupons or to print an order form for physical samples or pads of preprinted vouchers." Thus, no *prima facie* case of anticipation has been established by the Office.

As a fourth example, none of the cited and applied references teaches "a drug sample fulfillment platform that comprises a drug sample Web site for mating with a Web portal when a

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prescriber selects a hyperlink, the drug sample Web site presenting a Web page including selectable options for the prescriber to order drug samples," as recited in Claim 21, among other limitations. The Office has cited Paragraphs 0258-0259 and 0284-0285, which have been set forth in full above with the exception of Paragraph 0285. Paragraph 0285 discloses as follows:

> The following provides an example description of a targeted eCoupon delivery. The central server maintains a database of all market drug products for appropriate retailers and service providers. From their own list of products, each retailer and service provider chooses the products or services to be promoted and the duration of the promotion. Prior to the dispensing of a medication at any physician office, the central server receives a request to check the database for any appropriate eCoupons. In the search of its database, the central server might find several eCoupon matches, such as, a promotion for the specific medication being dispensed, a promotion for an OTC medication that ameliorates one of the side effects of the medication being dispensed, and a promotion for a disease management program that would likely benefit a patient taking the medication being dispensed.

None of these has anything to do with a drug sample Web site for mating with a Web portal so as to allow selectable options for the prescriber to order drug samples. Accordingly, no *prima facie* case of anticipation has been set forth by the Office.

As a fifth example, none of the cited and applied references teaches "mating a drug sample Web site to the Web portal, allowing a prescriber to navigate and order drug samples," as recited in Claim 31, among many other limitations. The Office has cited Paragraph 0284 of Feeney et al. for the proposition that it discloses the claimed invention. That cannot be correct. Paragraph 0284 discussed eCoupons which has been discussed. It has nothing to do with mating a drug sample Web site to the Web portal allowing a prescriber to navigate and order drug samples. Therefore, no *prima facie* case of anticipation has been established.

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Because the Office has failed to state a *prima facie* case of anticipation, the rejections should be withdrawn. Independent Claims 1, 6, 16, 21, and 31 are clearly patentably distinguishable over the cited and applied references. Claims 2-5, 7-10, 17-20, 22-25, 32-45, and 51-55 are allowable because they depend from allowable independent claims and because of the additional limitations added by those claims. Consequently, reconsideration and allowance of Claims 1-10, 16-45, and 51-55 is respectfully requested.

Respectfully submitted,

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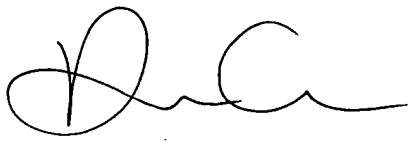

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Date: June 7, 2005 Cindy A. Morton

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